

Remarks/Arguments:

Applicant wishes to thank the Examiner for her detailed comments. As Examiner has grouped her actions by sections, Applicant will respond to these sections one by one.

DETAILED ACTION

Claim Rejections -35 USC § 103

1. No response is believed to be necessary.

2. Examiner has stated:

“Claims 1, 4-5, 10, 12, 14-15, 17, 19-23, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher (US 2001/0032070) in view of Myers et al (US 6,823,084).

In regard to claims 1,14,15,18, 21-23, 26, and 27 Teicher discloses:

- o A hard disk drive including at least one database (paragraph 19)
- o A digital camera (paragraph 19)
- o A display screen (paragraph 19)
- o Database software by which images and sound input from the digital camera and are stored in the hard disk drive as a personal log database, which can be displayed on the screen, where the personal log database may be updated by additional images (paragraph 19)
- o A portable translation device which includes an Optical Character Recognition engine, which takes input of graphic images of words from the digital camera in a language unfamiliar to the user and converts them to characters in the unfamiliar language and a dictionary module which takes in a language familiar to the user, and outputs the translated files to the view screen. (paragraph 19)

“Teicher fails to disclose a microphone and at least one speaker. With his, Teicher fails to disclose the database storing sound and further outputting translated files to at least one speaker. Further, Teicher fails to disclose being able to download database information which includes images, sound file and text which act as a travel instructor. Myers et al discloses a microphone and speaker. (Column 3, lines 28-39) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the microphone and speaker taught by Myers et al with the invention of Teicher in order to give the user a variety of ways to capture the unfamiliar language and to translate it to the user. Myers et al further discloses being able to download travel information into the portable text recognition device. (Column 7, lines 1-17) It would have been obvious to one having ordinary skill in the art at the time of the invention to be able to download information to the device of Teicher in order to be able to receive updated information.

- In regard to claims 4,10,17 and 25, Teicher discloses displaying movies. (paragraph 19)
- In regard to claims 5 and 19, Myers et al discloses the at least one speaker plays sound

files (Column 3, lines 28-39)

- In regard to claims 12 and 20, Myers et al disclose a text-to-speech engine.”

As currently amended, Claim 1 now recites:

1. A travel assistant device comprising:
 - a hard disk drive including at least one database;
 - a digital camera;
 - a microphone;
 - a display screen;
 - at least one speaker;
 - database software by which images and sound input from said digital camera and said microphone are stored in said hard disk drive as a personal log database, which can be displayed on said display screen and through said speaker, where said personal log database may be updated by the additional commentary and images as desired, and where said database software retrieves downloaded database information which includes images, sound files and text which act as a travel instructor;
 - a portable translator device which includes an Optical Character Recognition engine, which takes input of graphic images of words from said digital camera in a language unfamiliar to the user and converts them to characters in said unfamiliar language, and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user, and outputs said translated files to said view screen and said at least one speaker; and
 - a Global Positioning System (GPS) module wherein said GPS allows downloads of interactive digital guide information, and said GPS allows tracking of the user.

Claim 14 has been amended in a similar manner. Both independent Claims 1 and 14 now include subject matter and elements not disclosed in the either of the cited *Teicher* and *Myers* references. Claims 4-5, 10 and 12 are dependent on independent Claim 1, and Claims 15, 17, 19-23 and 25-27 dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14. Thus, Applicant respectfully requests that the rejection of Claims 1, 4-5, 10, 12, 14-15, 17, 19-23, 25-27 be withdrawn and these claims be allowed.

3. Examiner has stated:

“Claims 2-3, 6,13,16, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al as applied to claims 1 and 14 above, and further in view of Kennewick et al (2004/0193420).

Teicher and Myers fail to disclose a touch-screen display, the display screen displaying slides, a GPS module and an MP3 player.

Kennewick discloses a touch-screen display (paragraph 97, line 2). Kennewick further discloses a display screen that displays graphics and video, which can include slides and Moving Pictures Expert Group (MPEG) movies, a file format for compression of digital video and audio data (paragraph 97, line 2). Kennewick further discloses at least one speaker plays sound files (paragraph 18, lines 15-17). Kennewick further discloses a Global Positioning System (GPS) module (paragraph 97, line 4).

As per claims 13 and 31, Kennewick discloses a device that can locate a music file and play it, the files could include MP3 files

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aspects taught by Kennewick because they are well known in portable devices and would have been obvious to include."

Claims 1 and 14 have been amended to include the limitations of former Claims 6-8. Both independent Claims 1 and 14 now include subject matter and elements not disclosed in any of the cited *Teicher*, *Myers* and *Kennewick* references. Claims 6 and 28 have been canceled. Claims 2-3 and 13 are dependent on independent Claim 1, and Claims 16, 28 and 31 are dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 2-3, 6, 13, 16, 28 and 31 be withdrawn and these claims be allowed.

4. Examiner has stated:

"Claims 7-8 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick as applied to claims 6 and 28 above, and further in view of Lee (US 2002/0165557 A1)." [Note- citation is incorrect- should be 2002/0165667?-L.G.]

"Although Teicher, Myers et al and Kennewick discloses all the claimed elements as mentioned in claims 6 and 28, Kennewick fails to disclose a GPS that allows downloads of interactive digital guide information and allows tracking of the user.

Lee in the same field of invention discloses a GPS that allows downloads of interactive digital guide information (paragraph 31, line 4) and allows tracking of the user (paragraph 31, line 1).

From this teaching of Lee, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick to include a

GPS that allows downloads of interactive digital guide information and allows tracking of the user of Lee, in order to allow a user to navigate using up to date maps in a given area.”

Claims 6-8 and 28-30 have been canceled, but independent Claims 1 and 14
5 now include the limitations of former Claims 6-8 and 28-30, so the rejection of the former Claims 7-8 and 29-30 will be addressed here.

The specification recites:

10 “A Global Positioning System (GPS) module **44** is also preferably included. This GPS module **44** can be useful as it can be used to allow the user to get interactive information from digital guides, and may allow the user to be tracked or located if he becomes lost.” (page 6, lines 19-22).

Thus, in the present invention, the user may be tracked and interactive
15 information can be downloaded which may provide information specific to the user’s circumstances. Information may be provided that can aid the user in finding his way if he does become lost, or other information specific to his location can be provided.

It is apparently Examiner’s contention that various elements from the cited
20 prior art references could be combined in a way that would be obvious to one skilled in the art to produce the present invention. It has often been said that nearly all new inventions are combinations of existing elements. If every invention that used combinations of previously known elements was considered to be obvious, then nearly every invention produced in the last century would be considered
25 unpatentable. The mere fact that previous elements are known, cannot be fairly said to make an invention obvious to one skilled in the art. It is likely that all the elements of nearly any patented invention could be found in prior patent references, if enough prior art patent references are cited. It is perhaps telling that the Examiner has had to use four different references to find all the cited features.

It is true that digital cameras, and dictionaries, as well as Optical Character Recognition engines, have previously existed. However, there is no teaching or suggestion in the cited references that a travel assistant device could be devised that would include these elements and further combine them with a GPS system which allows tracking of the user and downloading of information to the travel device.

The present invention provides a means of translating foreign languages and providing travel information which is much more portable, flexible and useful to the user than anything taught by the prior art. Applicant can find no indication in the cited references that such useful and advantageous features are contemplated by the inventors of the cited references in the same field of invention as the present invention.

In particular, *Lee* discloses (assuming that the corrected citation of 2002/0165667 is intended, see note above-L.G.):

"A route guiding method for an in-vehicle navigation device. To guide a vehicle to a destination by an optimum route, it is determined whether the vehicle is on track within a predetermined intersection range based on route guidance data received from a traffic information center via a mobile communication network. If the vehicle is on track within the intersection range, it is determined whether the vehicle is in a free run state according to predetermined free run conditions to prevent a preliminary route guidance message that is confusing to a driver in the free run state. According to the determination result, the preliminary route guidance message is selectively provided."

Thus, *Lee* discloses the use of a GPS system in a vehicle. *Lee* does not disclose the use of a GPS system which allows downloads of interactive digital guide information, and tracking of the user in a travel assistant device which is not linked to a vehicle, and which is portable in a manner not contemplated by the *Lee* reference. Applicant respectfully asserts that it is inaccurate and unfair to state that

automobiles are in the same field of invention as hand-held or portable devices. The design criteria are much different, and are motivated by different considerations. Further, to be a fair citation, there should be some suggestion or motivation to make the combination of elements which is found in the reference
5 and not based on a suggestion found in the Applicant's disclosure.

Thus, it is respectfully asserted that no prima facie case for obviousness has been stated in the rejection. It is stated in MPEP § 2142:

10 "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be
15 sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval)."

20 It is respectfully requested that Examiner articulate in detail her reasoning to support her conclusions, if she intends to support a *Prima Facie* case of Obviousness. In the absence of such articulation, it cannot be fairly stated that a *Prima Facie* case has been presented for a rejection based on obviousness, with
25 respect to Claims 7-8, and Claims 29-30, now included in independent Claims 1 and 14.

Thus, Applicant respectfully asserts that it cannot be fairly said that Claims 1 and 14, which includes the limitations of Claim 6-8, and 28-30, is obvious in view of the cited prior art. It is therefore respectfully asserted that independent
30 Claim 1, dependent Claims 2-5, 9-10, 12-13 and independent Claim 14 and dependent Claims 15-27 and 31 are non-obvious in view of the cited references. It

is thus respectfully requested that the rejections be withdrawn and that these claims be allowed.

5. Examiner has stated:

“Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al as applied to claims 1 and 14 above, and further in view of Harrington (US2003/0145338 A1).

“Although Teicher and Myers et al disclose all the claimed elements as mentioned in claim 1, Teicher and Myers et al fails to disclose a producing HTML files and MPEG movies.

“Harrington in the same field of invention discloses producing HTML files and MPEG movies, a file format for compression of digital video and audio data (paragraph 12, line 1). From this teaching of Harrington, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Teicher and Myers et al to include producing HTML files and MPEG movies of Harrington, in order to update a personal website designed to share experiences.”

Claims 1 and 14 have been amended to include the limitations of former Claims 6-8. Both independent Claims 1 and 14 now include subject matter and elements not disclosed in the cited *Teicher*, *Myers* and *Harrington* references. Claim 9 is dependent on independent Claim 1, and Claim 24 is dependent on Claim 14 and both inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 9 and 24 be withdrawn and these claims be allowed.

6. No response is believed to be necessary.

Conclusion:

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §103 rejections were overcome by the present
5 amendments or were unfounded on the cited references. Applicant therefore respectfully asks that the rejections be withdrawn and that allowance of all claims presently in the case now be granted.

If the Examiner would like to discuss any of the points involved in the
10 Response, she is urged to contact Applicant's Attorney at the numbers included below.

IPLO
1901 South Bascom Avenue, Suite 660
Campbell, CA 95008

Telephone: 408 558-7887
Facsimile: 408 558-9960
E-mail: lguernsey@iplo.com
LBG:lbg

Respectfully Submitted,

/Larry B. Guernsey/
Larry B. Guernsey
Reg. No. 40,008